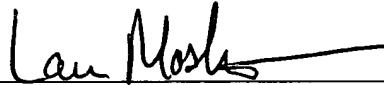




Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q78829
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/735,209	Filed December 15, 2003
	First Named Inventor Seiji UMEMOTO	
	Art Unit 2872	Examiner Thong Q. NGUYEN
	WASHINGTON OFFICE 23373 CUSTOMER NUMBER	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal		
The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
<input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>55,470</u>		
 Signature		
<u>Laura Moskowitz</u> Typed or printed name		
<u>(202) 293-7060</u> Telephone number		
<u>December 1, 2006</u> Date		



PRE-APPEAL BRIEF REQUEST FOR REVIEW
U.S. Application No. 10/735,209

Q78829

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q78829

Seiji UMEMOTO, et al.

Appln. No.: 10/735,209

Group Art Unit: 2872

Confirmation No.: 1811

Examiner: Thong Q. NGUYEN

Filed: December 15, 2003

For: OPTICAL FILM AND LIQUID-CRYSTAL DISPLAY DEVICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated September 1, 2006, Applicants file this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicants turns now to the rejections at issue: Claims 26, 28-31, 36, 37, and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bao (EP 0867747), in view of Nishio (U.S. Patent 5,914,825). Claims 27 and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bao, in view of Nishio and Ishimaru (JP 11-142618). Claims 33 and 35 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bao, in view of Nishio and Qiao (U.S. Patent 5,485,291). Claims 32 and 34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bao, in view of Nishio and Umemoto (U.S. Patent 5,727,107). For at

least the reasons discussed below, Applicants submit that these rejections are improper, and reversal of the outstanding rejections is requested.

Brief Summary of the Cited References

Bao describes a display device including a panel, a light guide plate, and a light source (Abstract). The light guide plate is a transparent, thin material disposed adjacent to the panel (col. 2, lns. 52-54; Figure 1). The light source is disposed at an end of the light guide plate, and light is incident on an end of the light guide plate from the light source (col. 2, lines 52-60; Figure 1). The light guide guides light from the light source to the panel (Id.) The light guide plate of Bao is designed with the assumption that the light guide plate is used with a light source disposed on an end (side surface) of the light guide plate, as in Figure 1 and col. 7, lns. 33-36.

Nishio describes a reflection-type display in which the base 3 or layer 4 is illuminated from above (from the front), as shown by the direction of incident light in Figure 3. A reflector is disposed on a back surface of the reflection-type display (Abstract; col. 1, lns. 4-7). The reflective element has a thickness of 20-1000 μm or 10-1000 μm (col. 4, lns. 38-39; col. 6, lns. 11-14).

Ishimaru describes an optical diffusion sheet used with a liquid crystal display.

Qiao describes a lighting panel having a faceted grooved surface (Abstract).

Umemoto describes a light guide plate having projections and recesses formed on a bottom surface thereof (Abstract).

One of ordinary skill in the art at the time of the present invention would not have been motivated to combine Bao and Nishio because there is no suggestion or motivation for

doing so in any of the cited references or in the knowledge available to one of ordinary skill in the art without resorting to impermissible hindsight.

The Examiner acknowledges that Bao fails to teach or suggest a transparent film having “a thickness of 300 μ m or less,” as recited in independent claim 26 (September 1, 2006 Office Action, p. 4). Therefore, the Examiner relies on Nishio to teach this limitation. Therefore, in order to maintain the §103 rejections of the claims including the combination of Bao and Nishio, there must be a showing that one of skill in the art would have been motivated to combine Bao and Nishio based on the teachings of the references or based on knowledge available to one of skill in the art at the time of the invention. However, contrary to the assertions of the Examiner, there is no such motivation without resorting to impermissible hindsight.

As submitted in the 1.111 Response of June 23, 2006 and the 1.114(c) Amendment of January 4, 2005, and as noted above, the light guide plate of Bao is designed with the assumption that the light guide plate is used with a light source disposed at an en (side surface) thereof (Figure 1, col. 7, lns. 33-36). Therefore, the light guide plate of Bao must be of at least the same thickness as that of the light source used. In Bao, a light guide plate having a thickness of 3mm is described (col. 11, lns. 50-52). This type of system is discussed in the “Background” section of the specification of the present invention at page 2: “the side-lighting type light pipe has a thickness of not smaller than 1mm under necessity of light transmission.” In contrast, as noted above, Nishio describes a reflection-type display in which the base 3 or layer 4 is illuminated from above (from the front), as shown by the direction of incident light in Figure 3. Further, Nishio is related to a “reflector” that is disposed on the back surface of a reflection-type display (Abstract, col. 1, lns. 4-7). the Examiner appears to refer to Nishio’s descriptions that the

PRE-APPEAL BRIEF REQUEST FOR REVIEW
U.S. Application No. 10/735,209

Q78829

reflective element has a thickness of 20-1000 μ m or 10-1000 μ m (col. 4, lns. 38-39; col. 6, lns. 11-14). However, each of these thicknesses is a thickness of a *reflector* or a *substrate sheet of a reflector*. One of skill in the art would not have been motivated to apply the thickness of Nishio's reflector to a light guide plate as in Bao.

Additionally, if the thickness of the light guide plate in Bao were reduced to 300 μ m or less, the plate would not function as a light guide plate. This would have been clearly understood by one of skill in the art at the time of the invention, and therefore, one of skill in the art would not have been motivated to so reduce the thickness of the Bao light guide plate.

Therefore, due to the disparate arrangements of the inventions of Bao and Nishio, one of skill in the art could not have modified Bao and decreased the thickness of the light guide plate of Bao according to the teachings of Nishio. Therefore, the only possible motivation for the Examiner's proposed combination is Applicant's own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

Thus, in view of the above, Applicants submit that claim 26 is patentable over any reasonable combination of the cited references and that claims 27-39 are patentable at least by virtue of their dependence on claim 26.

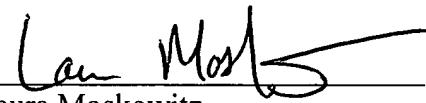
PRE-APPEAL BRIEF REQUEST FOR REVIEW
U.S. Application No. 10/735,209

Q78829

Conclusion

In view of the arguments advanced above, and those previously presented in the 1.111 Response of June 23, 2006 and the 1.114(c) Amendment of January 4, 2005, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness. Thus, claims 26-39 are patentable over any reasonable combination of the cited references. Applicants respectfully request reconsideration of the Final Office Action and withdrawal of the rejections of the claims under 35 U.S.C. § 103(a).

Respectfully submitted,



Laura Moskowitz
Registration No. 55,470

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 30, 2006